GA SHPO Comments
Docket 17-79; June 2017

General Notes:

The language really emphasizes the lack of understanding of and purpose for Section 106 - the Nation's historic and cultural resources are not a burden. It also underscores the lack of sympathy for historic preservation; it seems like the FCC does not want to take into account the effects of their actions on historic properties. They are using strong, almost inflammatory, language to make their point and are putting the burden on SHPOs, locals, and tribes to produce numbers, facts, and evidence to make our point.

A lot of delay could be prevented if consultants used SOI-qualified professionals for each discipline, in particular an architectural historian to do the SHPO file research. Regarding archaeological resources, a more intensive background research by an SOI-qualified archaeologist during the planning stages to determine if an archaeological survey is even warranted would save a lot of time. Particularly, it is likely that highly disturbed areas such as industrial lots or areas with gravel fill (where archaeological testing is not feasible) would not require an archaeological survey. Local entities should never take on the responsibilities of SHPOs, as that is not complying with Section 106 and most local entities do not have SOI-qualified staff.

Finally, the FCC has worked so long and hard to rid themselves of their S106 responsibility through Program Comments and an extremely streamlined NPA which reduces S106 to barebones and only allows them to fulfill their S106 responsibilities for some resources, that as a SHPO employee it is hard to trust any impulse for change coming from the agency.

2: "…unnecessary and potentially impermissible delays and burdens on …deployment" is strong language considering the FCC and the NPA are responsible for a large portion of the delays, including the installation of towers, themselves.

5: "…would 'set an absolute time limit that—in the event of a failure to act—results in a deemed grant" does not appear to reference any statute in particular and seems to place an undue burden on local and state offices that are often underfunded and understaffed.

17: Unnecessary delays are often a result of a wireless provider not understanding historic preservation and/or the need and purpose of S106. This does not equate to making S106 review unnecessary.

18: SHPO costs for reviews - if a perfect submittal (which is VERY rare) is received, it can typically be review within a few hours. It depends on the size of the APE, the amount of parcels within the APE when referring to tax assessors, and how many previously identified resources are found within our files.

19: A cost comparison does not appear to be an appropriate comparison tool to use. Often delays occur due to incompetence of the consultant, and also, it seems too easy to conflate the cost of delay.

21: Local permitting varies – Section 106 is more consistent and predictable.

39: Having the NPA in the first place is what causes delays. Also, delays occur when the applicant submits an incomplete project for review. The process is typically: a consultant reviews files and submits a project. SHPO then verifies with our files and finds something the consultant missed. The consultant then has to revisit our files and resubmit – it's an endless cycle that takes more time and money. If they

just completed a quick field survey of a set APE, without having to rely on dated and incomplete files, AND provided all the correct information the first time, SHPO's would not need to request as much additional information and could more quickly review a submittals. The FCC can also fund a reviewer position at each SHPO.

42: Batching may be more efficient for the applicants, but it takes the consultants and the SHPO's the same amount of time to do all the background research and review batched towers vs individual tower submittals because we still review each individual tower, pole, etc. Batching also adds stress to the SHPOs, when, in the case of PTCs, 100 PTCs can be submitted at once. That is an unreasonable amount of projects for a reviewer to process within 30 days, and is setting up the SHPO to fail.

43: Rewrite NPA to clarify language, etc.

45: Exclusions – based on the amount of poles and small cell deployments, this appears to be an area where the process can be further streamlined. If the poles/ODAS/small cells are being attached to a non-historic existing pole, or a replacement pole or other feature-of the same height, in the same location or within a certain amount of feet away from other existing poles, even if they are within a historic district, they are unlikely to cause any additional effect than what is already there. However, if anything is being attached to a historic building or feature, SHPO should be provided the opportunity to comment.

47: Would need to define "substantially." Also, this would be dependent on if the original pole was reviewed as well as if the original pole was an adverse effect.

48: ROWs vary greatly. Not all ROWs have 60-100' transmission lines or significant commercial intrusions (such as in rural areas). Also in rural areas, the transmissions lines/poles can be spread far enough apart or are far enough away that they are not considered an existing significant visual intrusions. Or in rural ROWs there are only distribution lines while transmission poles and cell towers are substantially taller than the wood distribution lines.

49: Suggest that both height and design limitations be included - poles with DAS in eligible or listed historic districts should be of a similar height and design as surrounding existing poles.

51: Collocates – could possibly be handled similar to above - if they are replacement antennas, which have already been reviewed, this could be streamlined – unless being attached to a historic building or feature. New antennas being attached to a non-historic feature, with existing antennas, that has been previously reviewed, would require some limitations and exceptions.

52: 50' is not sufficient and distance should depend on topography and vegetation in the area.

55: Licensing or permitting by a federal agency is an undertaking and that undertaking could affect historic properties – by definition, the action triggers Section 106.

56: We are not aware of any situation where a communications tower would be constructed to not put antennas on it. S106 concerns the entire undertaking and projects should not be reviewed piecemeal.